THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17717 of 1997

ORAL ORDER:

This writ petition is filed questioning the award passed by the Labour Court, Guntur in I.D.No.665 of 1991 dated 8.11.1996.

The petitioner is the management of A.P. Residential Schools, Kannapuram, West Godavari district and first respondent is the workman.

It appears, first respondent raised a dispute under Section 2-A(2) of the Industrial Disputes, Act, 1947 (for short 'I.D. Act') before the second respondent-Labour Court when his services were terminated with effect from 23.7.1987 on the ground that he is a non-tribal candidate. The grievance of the workman was that the said termination was without any notice, therefore, the same is liable to be set aside.

Before the Labour Court, management filed its counter stating that as per various Government Orders issued by the Government, no non-tribal shall be appointed in the residential schools located in the scheduled areas and further, management is not an industry. The first respondent was himself examined as W.W.1 and marked documents Exs.W1 and W2 on his behalf. On behalf of petitioner-management, M.W.1 and M.W.2 were examined and documents Exs.M.1 to M.13 were marked. After a detailed consideration of both oral and documentary evidence, the Labour Court came to the conclusion that the management is an Industry and further, the termination of services of the workman was arbitrary, illegal and contrary to Section 25-F of the I.D. Act and therefore directed for reinstatement of the workman into service with continuity of service, but without any back wages.

Aggrieved by the same, management filed the present writ petition.

The learned counsel for petitioner-management strenuously contended that the Labour Court erroneously came to the conclusion that the management is an Industry within the meaning of Section 2(j) of the I.D. Act and that the provisions of Section 25-F of the I.D. Act are violated.

Whereas, the learned counsel for first respondent contended that the Labour Court has rightly came to the conclusion that the petitioner-management is an Industry and the provisions of the I.D. Act are applicable. In this case admittedly, the provisions of Section 25-F of the I.D. Act have been violated by the management while terminating the services of the first respondent, therefore, rightly directed the management to reinstate the first respondent into service. In fact the Labour Court denied back wages though the first respondent is entitled for the same.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned award and other material made available on record.

In view of the decision rendered by the apex Court in **Bangalore Water Supply and Sewerage Board v. A. Rajappa**[1], the contention of the learned counsel for petitioner that the petitioner-management is not an Industry cannot be accepted. Thus, the petitioner-management is an Industry. Further, it is an admitted fact that no notice of any kind has been issued to the first respondent before terminating his services. Therefore, it cannot be said that the Labour Court has committed any error in coming to the conclusion that the management has violated the mandatory provisions of Section 25-F of the I.D. Act in not issuing any notice to the workman. No ground is made out to interfere with the impugned award passed by the Labour Court. The

writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 15.3.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

15.3.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.17717 of 1997

Date: 15th March, 2007

Between:

The Principal, A.P. Residential School,
Kannapuram, West Godavari district & another.

.. Petitioners

And

Korapati Bojiayya & another.

.. Respondents

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[1] AIR 1978 SC 548